

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States of America,

§

Plaintiff,

§

§

vs.

§

§

Civil Action _____

(CDCS: 2019A03816)

Jose Antonio Delgado d/b/a Degaldo Roofing,

§

§

Defendant.

§

§

Complaint

1. *Jurisdiction.* The district court has jurisdiction because the United States is a party. *See* U.S. CONST., art III, § 2, and 28 U.S.C. § 1345.
2. *Venue.* The defendant resides in Harris County, Texas, and may be served with process at 8138 Snowden St., Houston, Texas 77028.
3. *The Debt.* The debt owed to the United States arose through Occupational Safety and Health Administration (OSHA) violations. The debt on the date of the Certificate of Indebtedness was:

A.	Current principal	\$ 30,948.33
B.	Interest (capitalized and accrued)	\$ 1,030.39
C.	Administrative fees, costs, penalties (Including \$400.00 Filing fee)	\$ 17,791.99
D.	Balance due	<u>\$ 49,770.71</u>
E.	Prejudgment interest accrues at 1.00% per annum being \$0.84 per day.	
F.	The current principal in paragraph 3 A is after credits of \$0.00.	

4. *Default.* The United States has demanded that the defendant pay the indebtedness, and the defendant has failed to pay it.
5. *Prayer.* The United States prays for judgment for:
 - A. The sums in paragraph 3, pre-judgment interest, administrative costs, and post-judgment interest.
 - B. Other relief the court deems proper.

Respectfully submitted,

CERSONSKY, ROSEN & GARCÍA, P.C.

By: /s/ M. H. Cersonsky

M. H. Cersonsky, TBN: 04048500
1770 St. James Place, Suite 150
Houston, Texas 77056
Telephone: (713) 600-8500
Fax: (713) 600-8585

Attorneys for Plaintiff

For Important Information About This Lawsuit Please See Next Page.

Federal Court Suit

- 1. You have been served in a lawsuit.**
- 2. If you dispute the debt in it, you must file a written response to the lawsuit with the court and the government's lawyer. If you do not, a default judgment will be taken against you.**
- 3. Your written response is due 21 days after the day you got the lawsuit papers.**
- 4. Mail your written response to:**

**Clerk
United States District Court
P.O. Box 61010
Houston, Texas 77208**

and send a copy to the lawyers for the United States at:

**M. H. Cersonsky
Cersonsky, Rosen & García, P.C.
1770 St. James Place, Suite 150
Houston, Texas 77056**

Be sure to put your case number and name on your response.

- 5. If you do not dispute the debt claimed in the lawsuit and want a payment plan, please contact Eddith Salazar at (713) 600-8500.**



U.S. DEPARTMENT OF THE TREASURY
BUREAU OF THE FISCAL SERVICE
WASHINGTON, DC 20227

ACTING ON BEHALF OF
U.S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)
CERTIFICATE OF INDEBTEDNESS

Jose Antonio Delgado (dba Delgado Roofing)

Treasury Reference #: 1500305320A

I hereby certify, as part of my duties with the U.S. Department of the Treasury (Treasury), including referring matters to the U.S. Department of Justice (DOJ) for litigation, I am a custodian of records of certain files sent by the U.S. Department of Labor, Wage and Hour Division (DOL) to Treasury for collection actions. As a custodian of records for Treasury, I have care and custody of records relating to the debts owed by Jose Antonio Delgado (DEBTOR) to DOL.

The information contained in this Certificate of Indebtedness is based on documents created by an employee or contractor of DOL based on his/her knowledge at or near the time the events were recorded, including the review of Occupational Safety and Health Administration (OSHA) violations, or by an employee or contractor of Treasury based on his/her knowledge at or near the time the events were recorded, including the review of Occupational Safety and Health Administration (OSHA) violations. Treasury's regular business practice is to receive, store and rely on the documents provided by DOL, when debts are referred to Treasury for collection activities, including litigation.

DOL referred the claim to Treasury's Bureau of the Fiscal Service, Debt Management Services (DMS) to collect the delinquent debt on April 18, 2016. Further, I certify that I am familiar with Treasury's record keeping practices, including the receipt of files from DOL.

Upon completion of an investigation covering the DEBTOR's operations from 04/21/2015 through 04/23/2015, DOL issued a Citation and Notice of Penalty against the DEBTOR in the amount of \$30,800.00 with an annual interest rate of 1.00% and an annual penalty rate of 6.00% for repeat failure to protect employees working six feet or more above lower levels. According to DOL historical records the debt became delinquent on April 18, 2016.





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CERTIFICATE OF INDEBTEDNESS

On October 12, 2018, DMS referred the claim to DOJ for litigation and collection in the amount due of \$49,390.71 with daily interest of \$0.00. As of October 12, 2018, the DEBTOR is indebted to the United States in the amounts stated as follows:

Principal:	\$ 30,948.33
Interest (@3.00%):	\$ 1,030.39
Penalty (@6.00%):	\$ 6,028.36
Admin Fees:	\$ 11,363.63
Total:	\$ 49,390.71

The balances stated in the case listed above are current as of October 16, 2018, including any applicable interest, penalties, administrative fees, and DMS & DOJ fees (pursuant to 31 U.S.C. 3717(e) and 3711(g)(6), (7); 31 C.F.R. 285.12(j) and 31 C.F.R. 901.1(f); and 28 U.S.C. 527, note).

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief based upon information provided by DOL and information contained in Treasury's records.

10/18/2018

X *Natalie R. Stubbs*

Signed by: Natalie R. Stubbs
Natalie Stubbs
Financial Program Specialist
U.S. Department of the Treasury
Debt Management Services